

X-16922
Serial No. 10/598,987

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Amendments to the Drawings

None

Remarks/Arguments

In this response to the Office Action, the specification and Claims 1 and 6-8 have been amended, and Claim 5 has been canceled. More particularly, Claim 1 has been amended to recite “said driving means including a plunger element and a gear set shiftable with the plunger element”. Claim 1 has also been amended to recite “wherein in said second position said latching lip engages a latchable element disposed on said plunger element”, which clause is based on the subject matter of original Claim 5 that has therefore been canceled. Claims 6-8 have been amended to depend from Claim 1 as opposed to the now canceled Claim 5. Applicants believe no new matter has been presented as these amendments are supported by the application text and drawings as originally filed.

Thus, Claims 1-4 and 6-11 are pending in this application. Reconsideration and reexamination of the application in view of the amendments and remarks presented herein are respectfully requested.

In the Office Action, the disclosure was objected to due to an informality related to an empty space. The amendment above to the disclosure is believed to overcome this objection.

In the Office Action, Claim 5 was objected to due to a perceived informality related to “gear set carrier”. Claim 1 has been amended to clarify that the driving means includes a plunger element and a gear set shiftable with the plunger element, which language is based on the specification including page 10, lines 7 and 8, and the latchable element is identified as disposed on the plunger element instead of a gear set carrier. This amendment to Claim 1 and the cancellation of Claim 5 is believed to overcome this objection.

In the Office Action, Claims 1 and it is believed 5 were rejected under 35 USC Section 112, second paragraph, related to the “means for driving” or “driving means”. Applicants submit that the driving means of the claimed invention is clear to one of skill in the art from the specification, especially in view of the amendment to Claim 1 above resulting from the overcoming of the objection to Claim 5. Thus, amended Claim 1 is not believed to suffer from indefiniteness.

In the Office Action, Claims 1, 2 and 10 were rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,114,405 to Winter, Claims 1 and 2 were rejected under 35 USC Sections 102(a), (b) or (e) as being anticipated by WIPO 2003/80160 to Judson, Claims 3 and 11 were rejected under 35 USC Section 103(a) as being unpatentable over Winter ‘405, and further in view of Australian Patent No. 2002100005 to Poljansek, and Claim 4 was rejected under 35 USC Section 103(a) as being unpatentable over Winter ‘405, and further in view of Australian Patent No. 2002100005 to Poljansek and US Patent No. 6,979,316 to Rubin et al. However, Claims 5-9 were objected to as being dependent upon a rejected base claim, but stated to may be allowable if rewritten

in independent form including all of the limitations of the base claim and any intervening claims, as well as correcting the raised claim objections and rejections under Section 112. In response, and to expedite allowance, Claim 1 has been amended based on the subject matter of Claim 5, with clarification being provided that addresses any Section 112 issues. Thus, it is submitted that Claim 1 as amended is patentable over the art.

In view of the foregoing, Applicants submit that the cited art does not teach or suggest, either alone or in combination with the other art of record or the art being submitted concurrently in an IDS, all of the limitations of Claim 1 as amended. It is respectfully submitted that Claim 1, as well as Claims 2-4 and 6-11 that are dependent on Claim 1, are in fact patentable and are in condition for allowance, and it is requested that a timely Notice of Allowance be issued in this case.

It is believed a two month extension of time and associated fee are required with this paper, and such is being requested and payment authorized herewith. If any extension of time or fees is required with this paper, such are hereby petitioned therefor and the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 05-0840.

The Examiner is invited to contact the undersigned with any questions if such would advance the prosecution of the present application.

Respectfully submitted,

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